

AARON D. FORD
Attorney General
ROBERT W. DELONG, Bar No. 10022
Deputy Attorney General
State of Nevada
Bureau of Litigation
Public Safety Division
100 N. Carson Street
Carson City, NV 89701-4717
Tel: (775) 684-1120
E-mail: rdelong@ag.nv.gov

*Attorneys for Defendants Stacy Barret,
Jay Barth, James Dzurenda,
Dwight Neven, Jason Satterly,
and Anthony Warren*

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COUNSEL/PARTIES OF RECORD	
MAY 13 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOHN MELNIK,

Plaintiff,

vs.

JAMES DZURENDA, et al.,

Defendants.

ORDER

Case No. 3:16-cv-00670-MMD-CBC

**MOTION TO EXTEND THE DEADLINE TO
FILE MOTIONS FOR SUMMARY
JUDGMENT
(First Request)**

Defendants, Stacy Barrett, Jay Barth, James Dzurenda, Dwight Neven, Jason Satterly, and Anthony Warren, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Robert W. DeLong, Deputy Attorney General, hereby move to extend the deadline to file dispositive motions in this matter by 30 days because the case was recently reassigned to undersigned counsel. (See ECF No. 43.)

This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff John Melnik (Plaintiff) is an inmate in the custody of the Nevada Department of Corrections (NDOC). Federal Rule of Civil Procedure 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

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1 The proper procedure, when additional time for any purpose is needed, is to present a request
2 for extension of time before the time fixed has expired. *Canup v. Miss. Val. Barge Line Co.*, 31 F.R.D.
3 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
4 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
5 F.R.D. 268 (N.D. Ohio 1947). The present deadline to file motions for summary judgment is today,
6 May 10, 2019. (ECF No. 36 at 3.)

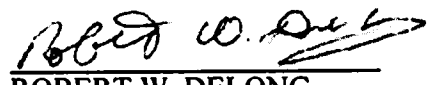
7 Defendants seek an enlargement of time to file dispositive motions in this matter because
8 attorney Erin L. Albright is no longer with the Office of the Nevada Attorney General, and the case has
9 recently been reassigned to undersigned counsel. (ECF No. 43.) Defendants respectfully request that the
10 deadline to file motions for summary judgment in this matter be extended for 30 days to allow for the
11 collection of declarations and evidence to file a motion for summary judgment. If granted, the new
12 deadline to file motions for summary judgment would be Monday, June 10, 2019.

13 Good cause exists to extend the time to file this motion. This request is made in good faith and
14 not for the purpose of delay. Defendants respectfully submit that none of the parties will be prejudiced
15 by the extension of time sought.

16 DATED this 10th day of May, 2019.

17 AARON D. FORD
Attorney General

18 By:

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ROBERT W. DELONG
20 Deputy Attorney General
21 State of Nevada
Bureau of Litigation
Public Safety Division

22 *Attorneys for Defendants*

23
24 IT IS SO ORDERED

25 
26 U.S. MAGISTRATE JUDGE

27 DATED: 5/13/2019
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